

Bountiful City
Administrative Committee Minutes
May 26, 2009
5:00 P.M.

Present: Chairman, Aric Jensen; Committee Member, John “Marc” Knight; Committee Member, Dave Badham; Assistant City Engineer, Lloyd Cheney; Assistant Planner Dustin Wright; Assistant Planner Doug Howard and Recording Secretary Cindy Gruendell.

1. Chairman Jensen opened the meeting at 5:01 p.m. and introduced everyone present.
2. Consider approval of minutes for May 4, 2009 and May 11, 2009.

Mr. Knight made a motion to approve the minutes for the May 4, 2009 meeting as drafted. Mr. Cheney seconded the motion. Motion passed 3-0 with Mr. Badham abstaining as he was not present at that meeting.

Mr. Badham made a motion to approve the minutes for the May 11, 2009 meeting as drafted. Mr. Cheney seconded the motion. Motion passed 2-0 with Mr. Jensen and Mr. Knight abstaining as they were not present at that meeting.

Mr. Jensen explained the Committee will now hear item #6 to accommodate Mr. Badham’s schedule.

6. Consider approval of a Conditional Use Permit letter for a Home Occupation Business License for a pest control business at 1144 Woodmoor Drive, applicant Brett Taylor.

Mr. Cheney made a motion to approve the Conditional Use Permit letter for a Home Occupation Business License for a pest control business at 1144 Woodmoor Drive, applicant Brett Taylor as drafted. Mr. Badham seconded the motion. Motion passed 2-0 with Mr. Jensen and Mr. Knight abstaining as they were not present at that meeting.

The Committee excused Mr. Badham from the rest of the meeting at 5:04 pm.

Mr. Jensen suggested that we move item #3 to the end of the meeting as the applicant was not present and to allow time for the applicant arrive.

4. Consider granting a Lot Line Adjustment between 3891 South Bridlewood Drive and 3909 South Bridlewood Drive, applicant First National Bank of Layton – David S. Jones.

The applicant, David Jones and R. Gene and & Carol Bangerter were present. Mr. Wright presented the staff report.

The two properties are located in the single family R-3 zone area. The bank owns the property located at 3891 South (lot 34) and the Bangerter property is located at 3909 South (lot 37).

The minimum lot size for this zone is 11,000 sq. ft. The minimum buildable area for this zone is 3,000 sq. ft. The minimum lot width for this zone is 80 ln. ft.

Staff finds that both lots will be in accordance with our minimum lot size, buildable area, and lot width requirements and recommends to the Administrative Committee that they grant the applicants their proposed lot line adjustment with the following condition:

1. No new building lot is created by this lot line adjustment.

Mr. Jensen – does the Committee have any questions or issues regarding this item?

Mr. Cheney – I don't have any questions, appears to be pretty clear.

Mr. Knight – What are they trying to accomplish with the lot line adjustment?

Mr. Jensen – when the retaining wall at 3891 Bridlewood drive was built it encroached onto the 3909 Bridlewood drive property, so they are wanting to adjustment the boundary to include the retaining wall on 3891 Bridlewood Drive.

Mr. Jones – the recordable document appears to be incorrect. Paragraph two indicates that a parcel of land will be transferred from 3891 Bridlewood to 3909 Bridlewood Drive.

Mr. Jensen – we will look at the site plan and make sure that the document is correct. I sat down with the surveyor to go over the site plan. We found on the title that at some point in the past, Parcel “A”, as referred to on the site plan, had been transferred and the City had never officially ratified that, we simply folded it in to the approval, so you are

actually getting approval for the previous transferred Parcel “A” and the proposed transfer Parcel “B”. The City records will now show that these were both legal exchanges.

Mr. Jones – I was not aware of the previous exchange.

Mr. Bangerter – that was done years ago.

Mr. Jensen – we will approve both of these, because it will not negatively impact either lot.

Mr. Cheney made a motion to approve the lot line adjustment between 3891 South Bridlewood Drive and 3909 South Bridlewood Drive with corrections as noted to ensure that the parcels that are being transferred are properly described. Mr. Knight seconded the motion. Voting was unanimous in favor.

5. Consider granting a Lot Line Adjustment between 1773 Lorien Drive and 1781 Lorien Drive, applicant Larry G. and Brenda J. Moore.

The applicant, Larry Moore was present. Mr. Wright presented the staff report.

The properties are located in the single family R-F zone area. The property at 1781 had part of the driveway and landscaping done in the adjacent property (1773). With the lot line adjustment, a parcel of land from 1773 with the improvements, will be added to 1781.

The site plan shows the Quit Claim Parcel as containing 5435 sq. ft. and should read 5433 sq. ft.

Staff finds that the proposed line adjustment will not conflict with yard and setback requirements. Staff recommends to the Administrative Committee that they grant the applicants their proposed lot line adjustment with the following:

1. No new building lot is created by this lot line adjustment.
2. Red lines by Staff.

Mr. Cheney - is this the actual retaining wall configuration?

Mr. Moore – yes it is.

Mr. Howard – when we went to the property this area looks like a parking spot.

Mr. Cheney – it looks different than that the site plan was.

Mr. Howard – this is more accurate, for what it looks like now.

Mr. Jensen – is the wall higher than 10 ft?

Mr. Moore – no, it about 4 ½ ft.

Mr. Jensen – I will make the disclosure that I am related to the property owner next door, Val Christensen, but it will not influence my vote, it is just for the record.

Mr. Knight made a motion to approve the lot line adjustment between 1773 Lorian Drive and 1781 Lorian Drive as outlined by staff. Mr. Cheney seconded the motion. Voting was unanimous in favor.

3. **Public Hearing** – Consider granting a Conditional Use Permit for a Home Occupation Business License for a yard care business at 48 North 300 East, applicant Joshua Taylor, Neighbor Boys.

Mr. Joshua Taylor was present. Mr. Wright presented the staff report.

The property is located in the single family R-4 zone area. The applicant will use standard yard care equipment such as push mowers and shovels. His equipment is kept in his truck because he does not have a garage. He does not have any employees and does not plan to expand this summer, but might get employees in the future. He will mainly take care of lawns and repair sprinklers.

Staff finds the applicant to be compliant with requirements in the City Code. Staff recommends approval for a Conditional Use Permit for a Home Occupation Business License, with the following conditions:

1. The applicant shall keep an active Home Business license.
2. The applicant shall comply with the City Ordinances for Conditional Use Permits (14-2-506) and Home Occupation Businesses (14-17-105).
3. Construction equipment/vehicles shall not be stored on the property or in the street and equipment not permitted in section 14-17-105 must be stored at an appropriate site.
4. Employees who are not family members and/or who do not reside at the dwelling shall not meet, park, or otherwise congregate at the home or in the general vicinity.

5. This Conditional Use Permit is just for this individual at this site and is not transferable.

Opened the public hearing for comments:

Bob Rawlins, 341 East 200 South – when are we going to stop turning residential to business. Every time we turn around we are having a meeting, we are encroaching on neighborhoods. I don't agree with people having a business in a neighborhood. I know that when they look at me owning apartments they think that I am doing the same thing, but that is completely different.

Mr. Jensen – so in general you are against the concept of people running business's out of their home.

Bob Rawlins – in a neighborhood, yes. It is about time we designate a situation in Bountiful, where we have a business district and residential district.

Carol Rawlins – I am not against it, I just wanted to find out more about it. Is it going to involve big trucks, if it is I would have to say that it would not be good for the neighborhood.

Mr. Knight – if it involved a lot of big trucks and hauling stuff around, we would not let him do it.

Carol Rawlins – In reading some of the requirements, is he going to park all of his equipment off the street?

Mr. Jensen – this type of business is not allowed to keep equipment other than typical residential equipment.

Carol Rawlins – Does he have a garage?

Mr. Taylor – I don't have a garage, just a driveway.

Mr. Jensen – his stuff would be stored in a truck. We do not allow people to use their garage for a business.

Mr. Jensen – they are not allowed to have equipment that wouldn't be found in a normal single family home. Example – lawn mower.

Mr. Knight – if someone drives past a residence that has a home occupation business, they would not notice the business.

Carol Rawlins – they used to have a daycare across the street, which is now gone. I don't agree with having that either. We live across from the "FUN" school and certainly it began very innocently, but now we have up to 10 cars in front of our house. Beware of this type of thing, because you never know what it will grow into.

Mr. Howard – it is not that he is running a business from his home, it is that he might take a phone call there, then go on the call in his truck. It would be just like anyone of us going to work each day.

Bob Rawlins – so why does he need a license?

Mr. Knight – so the City can regulate the business and enforce the ordinances. There are provisions in the City Code for residences to operate a Home Occupation business as long as it complies with the City Code and Regulations.

Mr. Jensen – we are trying to avoid to problems just like that happened to the "Fun" school.

The public hearing was closed.

Mr. Taylor – all I have is my pickup truck, two push lawn mowers and shovels. Most what I do is sprinkler repair. No one comes to my house, the only thing I do at the house with the business is phone calls.

Mr. Cheney made a motion approve the conditional use permit for a Home Occupation Business License for a yard care business at 48 North 300 East with the conditions outlined by staff. Mr. Knight seconded the motion. Voting was unanimous in favor.

7. Consider approval of a Conditional Use Permit letter for a Home Occupation Business License for a preschool to have up to 12 children per session at 404 South 100 West, applicant Heather Traeden, Tiny Footsteps Preschool.

Mr. Cheney made a motion approve the Conditional Use Permit letter for a Home Occupation Business License for a preschool to have up to 12 children per session at 404 South 100 West as drafted. Mr. Knight seconded the motion. Voting was unanimous in favor.

There were no other items and the meeting adjourned at 5:30 p.m.